

VERSION WITH MARKINGS TO SHOW CHANGES MADE

Claims 16, 20 and 25 have been amended as follows:

16. **(Amended)** A marine outboard drive comprising a housing having an outer surface and at least one recessed area lying next to and being recessed relative to a portion of the outer surface, a steering shaft pivotal about a steering axis, at least one mounting mechanism being disposed in the recessed area and being coupled to the steering shaft and to the housing, and **[mount cover including]** a pair of cover members configured to lie generally flush with at least the portion of the outer surface of the housing, each one of the cover members having a front portion with a front surface slanting forwardly and downwardly, the cover members being affixed to each other at lowermost sections of the respective front portions.

20. **(Amended)** The marine outboard drive as set forth in Claim 19, wherein the lower portion of the housing includes a horizontal section extending generally horizontally and below the steering shaft, the horizontal section defines a first aperture under the steering shaft and a second aperture **[fowardly]** forwardly of the first aperture, and the elongated member extends through the second aperture.

25. **(Amended)** The marine outboard drive as set forth in Claim 24, wherein the lower portion of the housing includes a horizontal section extending generally horizontally and below the steering shaft, the horizontal section defines a first aperture under the steering shaft and a second aperture **[fowardly]** forwardly of the first aperture, the elongated member extends through the second aperture.

Appl. No. : 10/060,907
Filed : January 29, 2002

28. (Unchanged) The marine outboard drive as set forth in Claim 26, wherein the cable is a speedometer cable.

Please add following claims:

29. (New) The marine outboard drive as set forth in Claim 24, wherein the elongated member is flexible.

30. (New) The marine outboard drive as set forth in Claim 24, wherein the elongated member warps in the space.

31. (New) The marine outboard drive as set forth in Claim 24 additionally comprising a second elongated member extending through the steering shaft, wherein the second elongated member does not extend through the space.

32. (New) The marine outboard drive as set forth in Claim 25, wherein the tubular steering shaft defines a bottom surface, the elongated member extends below at least a portion of the bottom surface.

COMMENTS

In response to the Office Action mailed December 20, 2002, Applicant respectfully requests the Examiner to reconsider the above-captioned application in view of the following comments. As a preliminary matter, Claim 16 has been amended to slightly refine the language of the claim. Also, Claims 20 and 25 have been amended to correct typographical errors in the claims. Applicant has not amended the claim in view of the prior art or the present communication. The attached page is captioned VERSION WITH MARKING TO SHOW CHANGE MADE. The change to Claim 16 is indicated by underlining insertions and bracketing deletions.

Appl. No. : 10/060,907
Filed : January 29, 2002

Claims 16-28 Are Patentable Over U.S. Patent No. 6,341,991

The Examiner asserts that the reply filed on 1/22/2002 was not fully responsive to the prior Office Action and the Applicant had failed to point out how each new claim defined over the rejections as set forth in the prior office action. Although Applicant respectfully disagrees with the assertions of the Examiner, Applicant submits below that the rejection based upon obviousness-type double patenting is improper and Claims 16-28 are patentable over U.S. Patent No. 6,341,991.

Claims 16-23

Claim 16 recites, among other limitations, that a pair of cover members is configured to lie generally flush with at least the portion of the outer surface of the housing, each one of the cover members has a front portion with a front surface slanting forwardly and downwardly, the cover members are affixed to each other at lowermost sections of the respective front portions. U.S. Patent No. 6,341,991 has no claims reciting such features. In addition, the features are not obvious variations of the subject matter recited in the claims of U.S. Patent No. 6,341,991. Thus, the obviousness-type double patenting rejection is not applicable to Claim 16. Claims 17-23 depend from Claim 16 and are distinguishable from the claims of the '991 patent for at least the same reasons as Claim 16. Reconsideration of Claims 16-23 is respectfully requested.

Claims 24-28

Claim 24 recites, among other limitations, that an elongated member extends through the steering shaft and beyond a bottom end thereof into a lower portion of the housing, cover members are configured to lie generally flush with at least the portion of the outer surface of the housing, each one of the cover members has a front portion coupled with each other to define a space in front of the steering shaft, at least a portion of the elongated member extends through the space. U.S.

Appl. No. : 10/060,907
Filed : January 29, 2002

Patent No. 6,341,991 has no claims reciting such features. In addition, the subject matter of Claim 24 is not obvious in view of the subject matter recited in the claims of U.S. Patent No. 6,341,991. Thus, the obviousness-type double patenting rejection is not applicable to Claim 24. Claims 25-28 depend from Claim 24 and are likewise distinguishable from the claims of the '991 patent for at least the same reasons as Claim 24. Reconsideration of Claims 24-28 is respectfully requested.

Claims 29-32 Have Been Added

Applicant has added Claims 29-32. Claims 29-32 are fully supported by the written description and the figures, and no new matter has been added by this amendment. Claims 29-32 depend from Claim 24 and the obviousness-type double patenting rejection is not applicable to Claims 29-32 for at least the same reasons as Claim 24. Consideration of Claims 29-32 also is requested.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney, William H. Shreve at (949) 721-2895 (direct line) in order to resolve such issue promptly.

Appl. No. : 10/060,907
Filed : January 29, 2002

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

Dated: April 21, 2003

By: 

William H. Shreve
Registration No. 35,678
Attorney of Record
2040 Main Street
Fourteenth Floor
Irvine, CA 92614
(949) 760-0404